UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

GOLDEN STATE FOODS CORP., a Delaware corporation,

Defendant.

No.

COMPLAINT TO COLLECT TRUST FUNDS PURSUANT TO AUDIT

I.

Plaintiff, Northwest Administrators, Inc., is an organization incorporated under the laws of the State of Washington, with its principal place of business in King County, and is the authorized administrative agency for and the assignee of the Western Conference of Teamsters Pension Trust Fund (hereinafter "Trust").

II.

The Western Conference of Teamsters Pension Trust Fund is an unincorporated association operating as a Trust Fund pursuant to Section 302 of the Labor Management Relations Act of 1947, as amended, to provide retirement benefits to eligible participants.

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III.

This Court has jurisdiction over the subject matter of this action under Section 502(e)(1) and (f) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1132(e)(1) and (f) and under §301(a) of the Taft-Hartley Act, 29 U.S.C. §185(a).

IV.

Venue is proper in this District under Section 502(e)(2) of ERISA, 29 U.S.C. §1132(e)(2), because the plaintiff trust fund is administered in this District.

V.

Defendant is a Delaware corporation.

VI.

Defendant is bound to a collective bargaining agreement with Local 63 of the International Brotherhood of Teamsters (hereinafter "Local"), under which the Defendant is required to promptly and fully report for and pay monthly contributions to the Trust at specific rates for each hour of compensation (including vacations, holidays, overtime and sick leave) the Defendant pays to its employees who are members of the bargaining unit represented by the Local. Such bargaining unit members are any of the Defendant's part-time or full-time employees who perform any work task covered by the Defendant's collective bargaining agreements with the Local, whether or not those employees ever actually join the Local.

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VII.

Defendant accepted the Plaintiff's Trust Agreement and Declaration and agreed to pay liquidated damages equal to twenty percent (20%) of all delinquent and delinquently paid contributions due to the Trust, together with interest accruing upon such delinquent contributions at varying annual rates from the first day of delinquency until fully paid, as well as attorney's fees and costs the Trust incurs in connection with the Defendant's unpaid obligations.

VIII.

Plaintiff conducted an audit of the Defendant's payroll records for the period July 1, 2011 through July 31, 2015 regarding amounts owed to the Trust. Defendant failed to fully report all hours for which Defendant paid compensation to its employees represented by the Local during said period and failed to make full payment of Defendant's contributions due to the Trust. Based upon Plaintiff's audit, Defendant is obligated to the Trust for contributions in the amount of $209,399.26. Defendant is further obligated to the Trust for liquidated damages in the amount of $41,879.85 for the months of July 1, 2011 through July 31, 2015, as well as interest accruing until paid in full, and all attorney's fees and costs incurred by the Plaintiff in connection with all of Defendant's unpaid obligations.

WHEREFORE, Plaintiff prays to the Court for judgment against the Defendant as follows:

A. For contributions in the amount of $209,399.26;

B. For liquidated damages in the amount of $41,879.85;

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C. For all accrued interest;

D. For all attorney's fees and costs incurred by the Trust in connection with Defendant's obligations; and

E. For such other and further relief as the Court may deem just and equitable.

Respectfully submitted,

REID, McCARTHY, BALLEW & LEAHY, L.L.P.

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